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Attorneys for Plaintiff
IP LEARN, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IP LEARN, LLC,

Plaintiff and Counterdefendant,

v.

SABA SOFTWARE, INC.; and DOES 1-10,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS.

Case No. C 02-02634 JW (HRL)

**DECLARATION OF JON Y.
IKEGAMI IN SUPPORT OF IP
LEARN'S OPPOSITION TO SABA'S
MOTION TO COMPEL RE PATENT
LOCAL RULE 3-1**

Date: March 4, 2003
Time: 10:00 a.m.
Judge: Honorable Howard R. Lloyd

I, Jon Y. Ikegami, declare as follows:

1. I am an associate with the law firm of Cooley Godward LLP, counsel of record in the above-captioned matter for Plaintiff IP Learn, LLC ("IP Learn"). I have knowledge of the following, and if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of correspondence from Mr. Frederick S. Chung to Andrew A. Kumamoto, dated October 23, 2002.

3. Attached hereto as Exhibit 2 is a true and correct copy of correspondence from me to Mr. Frederick S. Chung, dated November 27, 2002.

4. Attached hereto as Exhibit 3 is a true and correct copy of correspondence from me

1 to Mr. Wesley Overson, dated October 9, 2002.

2 5. Attached hereto as Exhibit 4 is a true and correct copy of electronic mail
3 correspondence from Mr. Frederick S. Chung to Andrew A. Kumamoto, dated October 29, 2002.

4 6. Attached hereto as Exhibit 5 is a true and correct copy of the Stipulated Protective
5 Order, dated December 13, 2002.

6 7. Attached hereto as Exhibit 6 is a true and correct copy of correspondence from Mr.
7 Frederick S. Chung to me, dated December 16, 2002.

8 8. Attached hereto as Exhibit 7 is a true and correct copy of correspondence from Mr.
9 Frederick S. Chung to me, dated January 29, 2003.

10 9. Attached hereto as Exhibit 8 is a true and correct copy of IP Learn's Disclosure of
11 Asserted Claims and Preliminary Infringement Contentions, dated November 27, 2002, excluding
12 claims chart.

13 10. Attached hereto as Exhibit 9 is a true and correct copy of correspondence from Mr.
14 Frederick S. Chung to me, dated January 15, 2003.

15 11. Attached hereto as Exhibit 10 is a true and correct copy of Saba's Preliminary
16 Invalidity Contentions and Related Document Disclosure, excluding tables, dated January 10,
17 2003.

18 12. Attached hereto as Exhibit 11 is a true and correct copy of Saba's Proposed Claim
19 Terms and Claim Elements for Construction, dated January 29, 2003.

20 13. Attached hereto as Exhibit 12 is a true and correct copy of Saba's Opening Brief
21 on the Initial Claim Construction of IP Learn's Patents, dated January 6, 2003.

22 14. Attached hereto as Exhibit 13 is a true and correct copy of correspondence from
23 Mr. Frederick S. Chung to me, dated January 23, 2003.

24 15. Attached hereto as Exhibit 14 is a true and correct copy of correspondence from
25 Mr. Frederick S. Chung to Mr. Douglas Robbins, dated January 27, 2003.

26 16. Attached hereto as Exhibit 15 is a true and correct copy of correspondence from
27 me to Mr. Frederick S. Chung, dated January 28, 2003.

28 17. Attached hereto as Exhibit 16 is a true and correct copy of correspondence from

1 Mr. Frederick S. Chung to me, dated January 29, 2003.

2 18. Attached hereto as Exhibit 17 is a true and correct copy of correspondence from
3 Mr. Frederick S. Chung to me, dated January 23, 2003.

4 19. Attached hereto as Exhibit 18 is a true and correct copy of IP Learn's Motion to
5 Compel Answers to Interrogatories, dated January 27, 2003.

6 20. Attached hereto as Exhibit 19 is a true and correct copy of correspondence from
7 me to Mr. Frederick S. Chung, dated January 30, 2003.

8 21. Attached hereto as Exhibit 20 is a true and correct copy of correspondence from
9 me to Mr. Frederick S. Chung, dated January 31, 2003.

10 22. Attached hereto as Exhibit 21 is a true and correct copy of correspondence from
11 me to Mr. Frederick S. Chung, dated February 4, 2003.

12 23. Attached hereto as Exhibit 22 is a true and correct copy of correspondence from
13 me to Mr. Frederick S. Chung, dated February 6, 2003.

14 24. Attached hereto as Exhibit 23 is a true and correct copy of *Saba Learning*,
15 *Enterprise Edition White Paper*.

16 25. Attached hereto as Exhibit 24 is a true and correct copy of the Transcript of
17 Proceedings on October 17, 2002, in *IP Learn, LLC v. Smartforce*, case no. C-02-1977 MMC,
18 before Judge Wayne D. Brazil, in the United States District Court, Northern District of California.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct.

21 Executed this 14th day of February, 2003, at Palo Alto, California.

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24 s/Jon Y. Ikegami

25 Jon Y. Ikegami
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